

MICHAEL J. THOMAS (BAR NO. 172326)
 APARNA RAJAGOPAL-DURBIN (BAR NO. 218519)
 DOWNEY BRAND LLP
 555 Capitol Mall, Tenth Floor
 Sacramento, CA 95814-4686
 Phone: (916) 444-1000
 Fax: (916) 444-2100
 E-Mail: mthomas@downeybrand.com
 adurbin@downeybrand.com

Attorneys for Plaintiff
 NUTRISHARE, INC.

AMY WINTERSHEIMER FINDLEY (BAR NO. 163074)
 MICHAEL R. ADELE (BAR NO. 138339)
 CHARLENE J. WILSON (BAR NO. 222497)
 ALLEN MATKINS LECK GAMBLE
 MALLORY & NATSIS LLP
 501 West Broadway, 15th Floor
 San Diego, California 92101-3541
 Phone: (619) 233-1155
 Fax: (619) 233-1158
 E-Mail: awintersheimer@allenmatkins.com
 madele@allenmatkins.com
 cwilson@allenmatkins.com

Attorneys for Defendant
 BIORX, LLC

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

NUTRISHARE, INC., a California corporation,
 Plaintiff,
 v.
 BIORX, LLC, an Ohio Limited Liability
 Company,
 Defendant.

Case No. 2:08-cv-01252-WBS-EFB

Complaint filed June 4, 2008

**STIPULATION REGARDING
 SUBMISSION OF NEW EVIDENCE IN
 OPPOSITION TO MOTION FOR
 PRELIMINARY INJUNCTION**

DATE: August 18, 2008
 TIME: 2:00 p.m.
 CRTRM: 5
 JUDGE: Hon. William B. Shubb

1 Plaintiff Nutrishare, Inc. ("Plaintiff") and Defendant BioRx, LLC ("Defendant"), through
2 their undersigned attorneys of record, hereby stipulate and agree that Defendant shall have leave to
3 submit the Declaration of Douglas Eric Hill attaching new evidence in support of Defendant's
4 Opposition to Plaintiff's Motion for Preliminary Injunction.

5 By this stipulation, Plaintiff only agrees to Defendant's filing of the aforementioned
6 document, and does not stipulate to the matters asserted or contained therein, and does not waive
7 any objections thereto that it may have under applicable Federal or Local Rules.

8 IT IS SO STIPULATED.

9
10 Dated: August 8, 2008

DOWNEY BRAND LLP

11 By: s/Michael J. Thomas
12 MICHAEL J. THOMAS
13 Attorneys for Plaintiff NUTRISHARE, INC.

14 Dated: August 8, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

15
16 By: s/ Amy Wintersheimer Findley
17 AMY WINTERSHEIMER FINDLEY
18 Attorneys for Defendant BIORX, LLC
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS SO ORDERED.

Dated: _____, 2008

THE HONORABLE WILLIAM B. SHUBB
Judge, United States District Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28